

# Rules of Department of Economic Development

## Division 245—Real Estate Appraisers

### Chapter 2—General Rules

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 245—Real Estate Appraisers  
Chapter 2—General Rules**

**4 CSR 245-2.010 Definitions**

*PURPOSE: This rule defines the terminology used in the rules of the Missouri Real Estate Appraisers Commission.*

(1) Words defined in sections 339.500—339.547, RSMo shall have the same meaning when used in these rules and, in addition, unless the context plainly requires a different meaning—Licensee, for the purposes of this Act, means an individual person who has been certified as a state-certified general real estate appraiser, a state-certified residential real estate appraiser or licensed as a state-licensed real estate appraiser.

(2) The singular number shall include the plural, the plural, the singular and the use of any gender shall be applicable to all genders.

(3) In accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, all real estate-related transactions will be protected by requiring that real estate appraisals utilized in connection with federally-related transactions are performed in writing, in accordance with uniform standards, by state-certified or state-licensed real estate appraisers. Federally-related transactions means any real property-related financial transaction in which a federal financial institution engages in, contracts for or regulates. The financial institution regulatory agencies include the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve System (FED), the National Credit Union Administration (NCUA), the Office of the Comptroller of the Currency (OCC) and the Department of the Treasury, Office of Thrift Supervision (OTS).

*AUTHORITY: section 339.509, RSMo (Cum. Supp. 1990). \* Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Aug. 14, 1991, effective Jan. 13, 1992.*

*\*Original authority 1990.*

**4 CSR 245-2.020 Commission Action**

*PURPOSE: This rule establishes how the commission may take action and further restricts the staff from engaging in the real estate appraisal industry while in the commission's employment.*

(1) Any act to be taken by the commission pursuant to the license law or these rules may be performed by the number of commission members or by those officers, employees, agents or representatives of the commission as is permitted by law and authorized by a majority of the commission's membership. The commission may take authorized action by a mail ballot or by a conference telephone call and any action so taken shall be recorded in the minutes of the commission.

(2) Neither the executive director nor any other employee or agent of the commission, except the commissioners or contracted investigators during the period of his/her employment by the commission, shall engage in any act for which a certificate or a license is required under the provisions of the license law or receive or become entitled to receive any fee or compensation of any kind, in any capacity whatsoever, either directly or indirectly, in connection with any real estate appraisal transaction.

(3) Upon receipt of a complaint in proper form, the commission may investigate the actions of the licensee against whom the complaint is made. In conducting an investigation, the commission, at its discretion, may request the licensee under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before the commission. A copy of any written answer of the licensee may be furnished to the complainant. Upon its own motion, the commission may initiate an inquiry or investigation against an applicant or a licensee.

*AUTHORITY: section 339.509, RSMo (Cum. Supp. 1990). \* Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed Sept. 2, 1993, effective April 9, 1994.*

*\*Original authority 1990.*

**4 CSR 245-2.030 Records**

*PURPOSE: This rule establishes which records are public documents and which are confidential.*

(1) All public records of the Real Estate Appraisers Commission shall be open for inspection and copying by any member of the general public during normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays) except for those records closed pursuant to section 610.021, RSMo. All public meetings of the Real Estate Appraisers Commission not closed pursuant to the provisions of section 610.021, RSMo will be open to any member of the public.

(2) The commission establishes the executive director of the commission as the custodian of its records as required by section 610.023, RSMo. The executive director is ultimately responsible for the maintenance of the commission's records and for responses to requests for access to public records.

(3) Whenever a request for inspection of public records is made and the individual inspecting the records requests copies of the records, the commission may charge a reasonable fee for the cost for document search and copying the records. The fees charged by the commission shall be as follows:

(A) A fee for document search (research) shall not exceed the actual cost of document search and shall be established by commission rule;

(B) A fee for copying public records shall not exceed the actual cost of duplication and shall be established by commission rule; and

(C) All fees collected shall be remitted to the Department of Revenue for deposit in the State Treasury to the credit of the Missouri Real Estate Appraisers Fund.

(4) Responding to Requests for Access.

(A) Whenever a request for access to public records is made and the custodian is uncertain whether or not that access is required under the provisions of Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before making a determination whether to deny access to records. In the event that contact by the custodian with the Office of the Attorney General is not practicable or is impossible, the custodian may make a decision to deny access pending consultation with the attorney general's office and within three (3) days shall give this reason for delay to the person requesting the information. However, in those circumstances, the custodian shall consult with the Office of the Attorney General concerning

the decision within five (5) working days of the decision.

(B) Whenever a decision is made to deny access, the custodian will comply with the requirements in section 610.023, RSMo concerning informing the individual requesting access to the records of the grounds for denial of the request.

(C) Whenever the custodian denies access to the records and the person requesting access requests in writing that the request and denial be reviewed by the commission, the custodian shall supply to members of the commission copies of the written response where the denial was conveyed to the requesting individual. At the next meeting of the commission, the commission shall either affirm the decision of the custodian or reverse the decision of the custodian. In the event that the commission decides to reverse the decision of the custodian, the commission shall direct the custodian to so advise the person requesting access to the information and supply the access to the information during regular business hours.

(D) Whenever document access, which access may be granted or denied in the discretion of the commission, is requested and the custodian is not certain of the position of the commission regarding the request, the custodian shall inform the person requesting access that the request is denied pending review of the request by the commission at the next meeting.

(5) The custodian shall maintain a file in which is retained, for a period of at least two (2) years, copies of all written requests for access to records and responses to those requests. The file shall be maintained as a public record of the commission open for inspection by any member of the general public during regular business hours.

*AUTHORITY: section 339.509, RSMo (Cum. Supp. 1990). \* Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991.*

*\*Original authority 1990.*

#### **4 CSR 245-2.040 Appraiser's Seal**

*PURPOSE: This rule requires the use of a seal.*

(1) Each licensed and certified real estate appraiser, at his/her own expense, shall secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words State of Missouri on the upper part of the seal, and Certified Real Estate Appraiser or Licensed Real Estate Appraiser on the lower part, and within the inner circle shall appear the name of the licensee, together with his/her certificate or license number. For certified real estate appraisers, the word General or Residential, as appropriate, shall appear within the inner circle under the certificate number.

(2) Rubber stamps, identical in size, design and content with the approved seals may be used by the licensee at his/her option.

(3) In addition to the personal seal or rubber stamp, the licensee also shall affix his/her signature, at the minimum, to the signature page of the original estimates, reports and other documents or instruments which were prepared by him/her or were prepared under his/her direction.

*AUTHORITY: section 339.509, RSMo (Cum. Supp. 1990). \* Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. Amended: Filed July 21, 1992, effective April 8, 1993.*

*\*Original authority 1990.*

#### **4 CSR 245-2.050 Appraiser's Assignment Log**

*PURPOSE: This rule mandates that licensees shall maintain a summarized listing of all real estate appraisal reports handled by the appraiser and make the listing available for commission inspection at all reasonable times.*

(1) Every licensee shall maintain a summarized listing of the real estate appraisal assignments which the licensee is required to retain under section 339.537, RSMo. This summarized listing shall include, at a minimum, the following information:

- (A) Date of the appraisal;
- (B) Location/identification of the property appraised;
- (C) Client's name;
- (D) Appraiser(s) involved in the appraisal;

- (E) Property type; and
- (F) Appraised value.

(2) The records shall be made available for inspection by the commission and its authorized agents at all times during usual business hours at the licensee's regular place of business.

*AUTHORITY: section 339.509, RSMo (1994). \* Original rule filed Sept. 12, 1996, effective March 30, 1997.*

*\*Original authority 1990.*